

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWARD P. ADAMS,

Plaintiff(s),

v.

CO-OP CITY DEPARTMENT OF PUBLIC
SAFETY,

Defendant(s).

21-CV-2675 (DEH) (BCM)

NOTICE OF REASSIGNMENT

DALE E. HO, United States District Judge:

On October 20, 2023, Plaintiff filed a motion for judgment on the pleadings, pursuant to Federal Rule of Civil Procedure 12(c). *See* Dkt. No. 160. Plaintiff's motion docketed on ECF on October 24, 2023. *See id.* Per Local Civil Rule 6.1(b), any opposition was due fourteen days later, on November 7, 2023. No such opposition was filed. On November 8, 2023, Defendants filed a letter requesting an extension of time to respond to Plaintiff's motion for judgment on the pleadings. *See* Dkt. No. 163. The letter represents that discovery has not been taken. *See id.*

It is hereby **ORDERED** that Plaintiff's motion is **DENIED**, without prejudice to renewal. Any motion for summary judgment or judgment on the pleadings is premature, as discovery has not been taken. *See Elliott v. Cartagena*, 84 F.4th 481 (2d Cir. 2023) ("When a party has not had any opportunity for discovery, summary judgment is generally premature."). As stated in the opinion and order issued August 8, 2022, denying Plaintiff's previous motion for summary judgment, "Defendants have made a sufficient showing that they must be given an opportunity to adequately investigate the allegations made by Adams in the Amended Complaint, including whether any of these events occurred, the police officers' version of the events, and the extent of the injuries Adams suffered." Dkt. No. 104, at 5. Defendants' request for an extension of time to

oppose the motion is **DENIED**, as moot. The parties shall appear for the initial pretrial conference before Magistrate Judge Moses on December 7, 2023, in accordance with her prior order.

The Clerk of Court is respectfully directed to mail this Order to the *pro se* Plaintiff. The Clerk of Court is further directed to close the motions at Dkt. Nos. 160 and 163.

SO ORDERED.

Dated: November 9, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'Dale E. Ho', is positioned above a horizontal line.

DALE E. HO
United States District Judge